



## ***Planning Commission Meeting Minutes***

APPROVED  
BY:

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### **MINUTES OF THE LAKE COUNTY PLANNING COMMISSION**

**December 14, 2010**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Pesec called the meeting to order at 5:04 p.m.

#### **ROLL CALL**

The following members were present: Messrs. Adams, Brotzman, Morse, Pegoraro (alt. for Troy), Schaedlich, Siegel, Smith (alt. for Sines), Welch (alt. for Aufuldish), and Mmes. Hausch and Pesec. Staff present: Messrs. Boyd, Radachy, and Ms. Truesdell.

#### **MINUTES**

Mr. Schaedlich said that on page 3, 3<sup>rd</sup> paragraph, delete "o" after "Mr. Boyd".

Mr. Schaedlich moved and Mr. Brotzman seconded the motion to approve the November, 2010 minutes.

Eight voted "Aye."  
Two abstained.

#### **FINANCIAL REPORT**

##### **November 2010 Financial Report**

Mr. Boyd pointed out that staff salaries have been reimbursed \$15,287.30 by Community Development Block Grant and Neighborhood Stabilization Program funds.

Mr. Morse moved and Mr. Schaedlich seconded the motion to approve the November, 2010 Financial Report.

All voted "Aye".

## PUBLIC COMMENT

There was no public comment.

## LEGAL REPORT

There was no legal report.

## DIRECTOR'S REPORT

Mr. Boyd reported that he would be attending a CDBG conference in Columbus the next day.

## ANNOUNCEMENTS

There were no announcements.

## SUBDIVISION REVIEW

### Subdivision Activity Report

Mr. Radachy said that staff met with the Prosecutor's office to discuss Madison Meadows Phase 1. The Prosecutor sent a letter to them asking that they correct pavement failures and regrade and reseed an area that was washed out during construction. The Prosecutor is going to issue a second letter informing them of a deadline. The developer thought the maintenance bond was accepted, when, in fact, they interpreted it as accepting the improvements.

With Cambden Creek Phase II, the iron pin inside the monument box was never installed. As soon as the pins are set, the Planning Commission Chair can sign the plat. Hopefully, this will be recorded by the next meeting.

## LAND USE AND ZONING REVIEW

### Concord Township - Residential Sections 15 R-1, 18, R-4, and 21, R-8

Mr. Radachy said that Concord is expanding the types of accessory uses permitted in Sections 15.03 A and 18.03 A, adding hot tub, fences, gazebos, pavilions, decks, signs and satellite dishes, and moving real estate/insurance office to 15.03 A 1. New language states that accessory uses shall not change the outside appearance of the dwelling or principal building. They are also changing sign reference to 30.03 from 29.02. This means that the home would need to continue to look like a house and not like a barber shop or other home occupations. Some customary home occupations, such as dress making and home cooking seem dated.

Mr. Radachy said that gross floor area is defined as including the ground floor and any area equal to half a story or greater above the ground floor. Accessory building size in R-8 is increasing from 576 to 1,024 square feet.

The new regulations are forbidding accessory buildings to be used as living quarters or for home occupations and cannot be larger than the main structure. The property owner is not allowed to have multiple accessory buildings.

The new rules specified that only 25% of gross floor area located in the main building can be used for accessory uses (home occupations). Concord is adding general requirements for swimming pools, hot tubs, fences, walls, gazebos, decks, parking and storing of RVs, signs, carports and satellite dishes in Sections 15.03 E and 18.03 E. Staff felt that the language "accessory building shall not be built on vacant lots" could not stop someone from separating an accessory building from the principal building through a lot split because they are not constructing an accessory building on a vacant lot. Staff's interpretation of the definition of *carport* would also include the temporary carport tents.

The new regulations were clarifying the zoning permit requirements for accessory uses, buildings and structures in Section 15.03 F and identifying structures that do not need a permit in Sections 15.03 G and 18.03 G.

With regards to temporary storage structures, staff was concerned about calling this section Portable On-Demand Storage (PODS) as *PODS* is a brand name. There is no limitation on using a semi-trailer as a *PODS*. There is a rule requiring the *PODS* to be located outside of the right-of-way, but not outside of a temporary cul-de-sac easement. If rehabilitating a house, the *PODS* would be required for longer than 30 days and they should be inspected for flammable or explosive materials.

Mr. Radachy said dumpsters are not addressed as temporary structures. Under Sections 15.03 H 2 and 18.03 H 2, temporary construction equipment can be on site as long as they are doing some work on the property.

Concord is defining Family Day Care Homes, type "B", as an accessory use in Sections 15.03 I and 18.03 I. The Lake County General Health District is the agency that reviews and inspects daycares centers.

The new language modifies side yard clearance and allowable projections into the setback in Sections 15.07 and 18.07 and reduces sideline clearance to 10 feet for accessory buildings. This is equal to current rear yard clearance and it defines what projections can go into the setbacks. This includes bay windows, sills, cornices, etc. A height requirement for accessory structures was added in Sections 15.09, 18.09 and 21.15 and the amendment for Section 21.15 clarifies how building height is measured to be consistent with the definition in Section V.

The Land Use and Zoning Committee recommended that the text amendment be passed with the following changes:

1. Revise the customary occupations and define them in Section V.
2. Revise the title of Sections 15.03 A and 18.03 A to "Types of Uses, **Buildings and Structures** Permitted".
3. Revise Sections 15.03 D 1 and 18.03 D 1 to read "(1,024) square feet on parcels with **lot area** of less than two (2) acres".
4. Require that accessory structures and buildings may only be located on lots with a principal building in Sections 15.03 D 4 and 18.03 D 4.
5. Address temporary carports in either Sections 15.03 E and 18.03 E or 15.03 G and 18.03 G.
6. Require basketball hoops and similar structures to be installed outside of the right-of-way and any temporary road or cul-de-sac easements in Sections 15.03 G 7 and 18.03 G 7.
7. Prohibit temporary on-demand storage units from being located in any temporary road or cul-de-sac easement in Sections 15.03 H 1 e and 18.03 H 1 e.
8. Change the name of the Portable On-Demand Storage (PODS) in Sections 15.03 H and 18.03 H to a generic term like Temporary Portable Storage Units.
9. Put a maximum length and height limitation on the Temporary Portable Storage Units. Also state "no semi-trailers".
10. Contact the Lake County General Health District to make sure that they are the agency that inspects and certifies Class "B" home day care and change the certifying agency name in Sections 15.03 I and 18.03 I accordingly.
11. State that the maximum height is to be measured from the final grade or established grade.
12. Allow PODS to remain on site for 90 to 120 days with a possible extension of an additional 90 to 120 days.
13. Add dumpsters to Sections 15.03 H 2 and 18.03 H 2 as an item that may be on site during construction work, maintenance or repair on site.

Mr. Siegel moved and Ms. Hausch seconded the motion to accept the recommendations of the Land Use and Zoning Committee with the addition of #13 in the Concord Township zoning text, Residential Sections 15, R-1, 18, R-4, and 21, R-8.

All voted "Aye".

## Concord Township – Definitions Section 5

Mr. Radachy said that Concord is adding definitions for terms that are being added as accessory uses and buildings. The Land Use and Zoning Committee and staff recommend that the text amendment be passed with the following changes:

1. Create a definition of **accessory use**.
2. Create a definition for **accessory building**.
3. Have a definition for **temporary construction trailer**.
4. Change the name of the Portable On-Demand Storage (PODS) to a generic term like Temporary Portable Storage Units.

Mr. Siegel moved and Mr. Schaedlich seconded the motion to accept the recommendations of the Land Use and Zoning Committee and recommend approval of changes to Definitions in Section 5.

All voted "Aye".

## Concord Township – Parking Section 29

The Planning Commission discussed the number of vehicles and the weight of vehicles that should be allowed primarily in residential districts.

Mr. Radachy said that the Land Use and Zoning Committee recommended that the gross weight for vehicles be up to 20,000 pounds for all residential districts, that there can be two commercial vehicles and up to two trailers if the trailer and vehicle are one unit, and they recommended that the property owners should be allowed to have multiple boats or recreational vehicles. Agricultural uses should be exempt from these rules.

Mr. Schaedlich said that the zoning text is not so concerned with agriculture regulations as it is with residential regulations.

Mr. Radachy said they are concerned with one-acre lots with sanitary sewer and water. The Land use and Zoning Committee recommended that the text amendment be accepted with the following suggestions:

1. Prohibit parking on the grass inside of a right-of-way or temporary easements in Section 29.09.
2. Allow commercial vehicles with a gross weight up to 20,000 pounds inside platted subdivisions in Section 29.13 C 2.

3. Allow for a maximum of two commercial vehicles or two commercial trailers or two commercial units, in Section 29.13 C 1. A commercial unit would be defined as commercial vehicle with an accessory trailer.
4. Allow service vehicles as an option for commercial vehicles in Section 29.13 C 4.
5. Prohibit parking of vehicles for sale in the right-of-way or temporary road easements.
6. Do not accept the language that limits the property owner to one recreational vehicle or one boat.

The Planning Commission did not accept recommendation #6. They recommended the following:

6. Exempt commercial vehicles used for agriculture from the weight restrictions and number of vehicle restrictions.

Mr. Schaedlich moved and Mr. Siegel seconded the motion to accept the recommendations of the Land Use and Zoning Committee to Section 29, and to recommend that commercial vehicles used for agriculture be exempt from weight restrictions and number of vehicle restrictions.

All voted "Aye".

#### Concord Township – Swimming Pools Section 31

Showing pictures of several examples of steps and ladders for above ground pools that lock, Mr. Radachy said that the zoning resolution does not address ladders as entrances to pools. Staff recommended that Section 31.02 B read: A fence enclosure is not required for above ground pools if the pool has non-climbable vertical sides not less than 4 feet in height, measured from the grade at the base of the wall, ***and the pool's access is controlled through a removable ladder or steps, or a deck with a three foot high fence around it and locking three foot high gate, or any controlled access system approved by the zoning inspector.***

Members thought that it would be an enforcement problem, that a fence should be required around the swimming pool, that hot tubs should be exempt from this section, that children's pools should be defined as temporary pools and be given a time frame.

Mr. Radachy said temporary pools can go up on May 1<sup>st</sup> and must be removed by September 30<sup>th</sup>.

Mr. Siegel recommended that Concord Township rewrite this section again, especially the hot tub text and temporary pool text because it is an enforcement problem. Temporary pools should be considered an accessory and should not require a fence around it.

The following recommendations were made:

1. Not accepting Section 31.02 A, Temporary Pool, Above Ground because this would be too difficult to enforce.
2. Revise Section 31.02 B 1 to read: A fence enclosure is not required for above ground pools if the pool has non-climbable vertical sides not less than 4 feet in height, measured from the grade at the base of the wall, ***and the pool's access is controlled through a removable ladder or steps, or a deck with a three foot high fence around it and locking three foot high gate, or any controlled access system approved by the zoning inspector.***
3. Not accepting Section 31.04, Hot Tubs because this would be too difficult to enforce. Mr. Schaedlich left at 5:40 p.m.

Mr. Pegoraro moved and Mr. Siegel seconded the motion to accept the recommendation of the Land Use and Zoning Committee with the addition of recommendation three, not accepting Section 31.04.

All voted "Aye".

#### Concord Township – Fences Section 34

The Land Use and Zoning Committee recommended that the text amendment be accepted.

The Planning Commission recommended removing all references to fences around hot tubs based on their recommendation of not accepting Section 31.04, Hot Tubs.

Mr. Adams moved and Mr. Pegoraro seconded the motion to accept the recommendation of Land Use and Zoning Committee for Section 34, Fences in Concord Township.

Mr. Smith recommended removing Section 34.07, securing hot tubs with a locked cover when not in use.

Ms. Pesec asked for a vote to accept the recommendations of the Land Use and Zoning Committee and to recommend removing Section 34.07, securing hot tubs with a locked cover.

Mr. Adams moved and Mr. Schaedlich seconded the motion to accept the recommendations of the Land Use and Zoning Committee and to recommend removing Section 34.07, securing hot tubs with a locked cover.

All voted "Aye".

#### Concord Township – Section 6.13, General Requirements and Revision of 11.03, Zoning Permit

Mr. Radachy said that Concord Township is now requiring a zoning permit for agricultural uses. They are also adding language that allows them to regulate agriculture and agricultural buildings for lots that are five acres and smaller. This power is granted to them by ORC 519.21.

There is a limitation that only products produced on site can be sold on site in Section 6.13 A. It conflicts with Section 6.13 F and ORC 519.21. These sections state 50% of the income generated from a farm stand has to come from the site or from other sites owned by the farmer.

ORC 519.21 states, "Such sections confer no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for a farm market where fifty per cent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. However, a board of township trustees, as provided in section 519.02 of the Revised Code, may regulate such factors pertaining to farm markets as size of the structure, size of parking areas that may be required, set back building lines, and egress or ingress, where such regulation is necessary to protect the public health and safety."

Section 6.13 C 1, 2, and 3 seem out of place. There is no connection to the rest of the section. All these rules are for five acres and under.

The Land Use and Zoning Committee was concerned about requiring a zoning permit and fee for agriculture. They asked why Concord was adding it. Staff stated that Concord has gotten a lot of agriculture use exemptions that are not agriculture. Their legal advisor stated that there is no time limit on starting an agriculture use. If the property owner states it is to be agriculture, then it is agricultural and the Township cannot do anything about it. These changes allow the Township to administer these uses.

The Land Use and Zoning Committee recommended the text amendment be accepted with the following suggestions:

1. Remove the language that states "provided no product shall be sold except those which are produced on the premises." from Section 6.13 A.
2. Create a new section for a building used as housing for animals and move C 1, 2 and 3 to that section.

**6.13 D Buildings or structures used for animals for Dairy or Poultry Husbandry (New Section Title)**

- 1. Whenever one or more animals are kept outdoors on a lot, an accessory building for their shelter shall be constructed on the lot. (Currently 6.13 C 1)**
- 2. The area of the accessory building intended to provide shelter for one or more animals shall not exceed the maximum area permitted for accessory buildings in the district in which the buildings are located. (Currently 6.13 C 2)**



**3. Such accessory building shall comply with the following minimum setback or clearance requirements: (Currently 6.13 C 3)**

**a. 70 Feet from the street right-of-way.**

**b. 25 feet from the side or rear property line.**

**c. 100 feet from any water well.**

Mr. Siegel moved and Mr. Pegoraro seconded the motion to recommend approval of the Land Use and Zoning recommendations to Section 6.13, General Requirements and Section 11.03, Permits.

All voted "Aye".

#### REPORTS OF SPECIAL COMMITTEES

There were no reports of special committees

#### CORRESPONDENCE

There was no correspondence to report.

Mr. Adams commented that he appreciated fellow members' patience in his endeavor to improve upon his hearing difficulty.

#### OLD BUSINESS

There was no old business to report.

#### NEW BUSINESS

##### 2011 Nomination Committee

Mr. Boyd said that current leadership is at the end of their first term and, typically, chair positions continue for a total of two years. He asked that a nominating Committee be formed to nominate members for positions for the 2011 year.

Wally Siegel, Richard Morse, and Steve Adams volunteered to be members of the Nominating Committee.

##### 2011 Meeting Dates and Times

Mr. Boyd said he submitted a proposed calendar for the 2011 meetings and asked that it be reviewed by the members.

Mr. Siegel recommended that the January 25, February 23, and March 30, 2011, meetings start at 3:00. After discussion members agreed that meetings for those three months can start at 5:00 p.m. The April through September meetings can start at 7:00 p.m. and the October, November, and December meetings can start at 5:00 p.m.

Mr. Seigel moved and Mr. Pegoraro seconded the motion to approve the new meeting start times to 5:00 p.m. for January, February, and March, 2011.

All voted "Aye".

Mr. Seigel moved and Mr. Pegoraro seconded the motion to approve the new meeting start times to 5:00 p.m. for October, November, and December, 2011. April through September meetings will start at 7:00 p.m.

All voted "Aye".

Ms. Pesec asked the Board to consider which date they preferred for the December 2011 meeting.

Mr. Welch moved and Mr. Smith seconded the motion to hold the December meeting on December 20, 2011.

All voted "Aye".

#### PUBLIC COMMENT

There was no comment from the public.

#### ADJOURNMENT

Mr. Siegel moved and Ms. Hausch seconded the motion to adjourn the meeting.

All voted "Aye".

The meeting adjourned at 6:17 p.m.